

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

SIMEON FRITH,

Defendant.

15cr42 (DLC)

ORDER

DENISE COTE, District Judge:

Five specifications of violation of supervised release have been filed against the defendant, Simeon Frith. One of these five specifications alleges that "[o]n or about September 20, 2021, in Luzerne County, PA, the supervisee committed a state crime, rape in violation of section 3121 of the Pennsylvania Crimes Code, a felony 1." A hearing on the five specifications has been scheduled for November 2, 2021, at 10:00 am. On October 25, 2021, defendant's counsel requested the Court's "guidance and assistance in securing additional potentially exculpatory evidence." It is hereby

ORDERED that the request to seal the defendant's October 25 letter is granted.

IT IS FURTHER ORDERED that the Government shall notify the witness, Individual-1, of the nature of disclosures agreed upon by the defendant and the Government, and that the witness may

have an opportunity to have an in camera hearing on these matters prior to testimony.

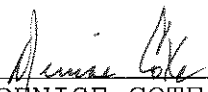
IT IS FURTHER ORDERED that the witness shall preserve her telephone, including any texts, call records, or other activity not specified, and shall not delete any material without leave of this Court.

IT IS FURTHER ORDERED that the Government and the witness may respond to the remainder of the requests in the October 25 letter by **Thursday, October 28, at 10:00 am**. Those requests include:

- 1) that the witness shall produce any and all texts, emails, or other records on her phone that relate to her relationship with Frith during the year 2021, including deleted information, without additional limitation.

2) that the witness shall produce any and all communication between (1) the witness and the witness' sister and (2) the witness and the witness' mother that relate in any way to Frith during the year 2021, including deleted information, without additional limitation. To the extent materials have been deleted and are not recoverable from the witness' phone, the witness' sister shall permit a search of her phone for responsive records as specified above.

Dated: New York, New York
October 26, 2021



DENISE COTE
United States District Judge